

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 3-16 and 18-37 are pending in the present application. Claim 17 is canceled and claims 10, 12, 14, 15, 21, 24 and 33 are amended by the present Amendment.

In the outstanding Office Action, claim 17 was rejected under 35 U.S.C. § 112, first paragraph; claims 3-5, 8-16, 18-26, 28, 30 and 32-37 were rejected under 35 U.S.C. § 103(a) as unpatentable over Felix in view of Applicants admitted prior art (AAPA) and Gilhousen; claims 6, 27, 29 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Felix in view of AAPA, Gilhousen and Kamachi; and claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over Felix in view of AAPA, Gilhousen and Czaja.

Claim 17 has been canceled. Accordingly, the rejection of claim 17 under 35 U.S.C. § 112, first paragraph is moot.

Claims 3-5, 8-16, 18-26, 28, 30 and 32-37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Felix in view of AAPA and Gilhousen.

Amended independent claim 10 is directed to a method for controlling a call access of a terminal in a communication system including broadcasting at a base station a call access control signal including interference information of a reverse link and state information of at least one or more code classes in which Walsh codes assigned to mobile stations from the base station are classified depending on transmission rate, to a plurality of mobile stations in its cell or sector on a paging channel or broadcast channel. Further, the call access control

signal is broadcast prior to receipt of an access channel request, and a corresponding mobile station of the plurality of mobile stations uses a code class having a lower priority if a code class having a higher priority is busy during the access channel request. Independent claims 12, 15, 21, 24 and 33 include similar features of a varying scope.

Accordingly, in a communication system which supports a multi-transmission rate to assign a plurality of code classes, if a plurality of mobile terminals request a call access, a relative priority order is given to each code class assigned to mobile terminals. If the high code class is busy, call access may be requested by lower code classes. (See page 9, lines 12-17). Accordingly, each mobile terminal implements a call access request depending on individual states of Walsh code classes, for example, and a state of the reverse link. If a call access request is implemented, call access can be optimally controlled depending on the priority order of code classes. (See page 12, lines 14-18).

Note, the priorities of "code classes" between a terminal and a base station are mutually pre-determined. In the present invention, the base station broadcasts a call access control information including a reverse link state information (e.g., reverse link interference) and state information of code classes in which the code classes are classified depending upon transmission rate, and the code is an orthogonal code (e.g., variable Walsh code). That is, a base station broadcasts call access control information to inform the mobile terminals whether or not the code classes were used (are available).

For example, Figure 2 illustrates mutually pre-determined code priorities arranged from a low priority to a high priority. If the high priority bit 6 is not available, the mobile station may then use a lower priority code class in bit 5 during the access channel request.

On the contrary, in Felix, when a remote unit 113 (see Figure 1, for example) request a channel access to the base station 100, the base station 100 acknowledges the request if a supplemental channel capacity is not available. If the supplemental channel is not immediately available, the remote unit 113 is not assigned a fundamental channel until shortly prior to supplemental channel availability. However, if the supplemental channel is available, a fundamental channel is immediately assigned to remote unit 113 to establish the proper transmit power level and once established, assigned a supplemental channel. Shortly prior to the supplemental channel availability, the base station 100 notifies the remote unit 113 of a pending data transmission and assigns remote unit 113 a fundamental channel for establishing a stable power level (see col. 4, lines 40-54).

That is, Felix merely determines if a supplemental channel is available and then shortly prior to being available, the base station notifies the remote unit of a pending data transmission. Felix does not teach or suggest, as recited in amended claim 10, a corresponding mobile station of the plurality of mobile stations using a code class having a lower priority if a code class having a higher priority is busy during the access channel request.

Further, the outstanding Office Action relies on Gilhousen as teaching a plurality of Walsh code classes and indicating the availability of each class. However, Gilhousen merely

teaches allocating orthogonal PN code sequences of variable lengths among user channels operative at different data rates. Column 12, lines 18-33 of Gilhousen cited by the Office Action does not teach or suggest a corresponding mobile station using a code class having a lower priority if a code class having a higher priority is busy during an access channel request.

AAPA also do not teach or suggest the claimed invention. Accordingly, it is respectfully requested this rejection be withdrawn.

Further, the additional rejections noted in the outstanding Office Action are for dependent claims. It is respectfully submitted the additional references of Kamachi and Czaja also do not teach or suggest the features recited in the amended independent claims. Accordingly, it is respectfully requested these rejections also be withdrawn.

### **CONCLUSION**

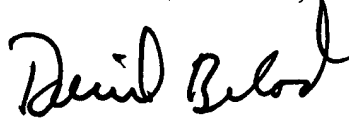
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

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Reply to Office Action of March 11, 2004

Docket No. K-087

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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